

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

D.A.N. JOINT VENTURE III, L.P.,)	
)	
Plaintiff,)	Honorable Robert M. Dow Jr.
)	No. 18-cv-00349
v.)	
)	
DOROTHEA TOURIS; et al.,)	
)	
Defendants.)	

DEFENDANT JAMES PAUL'S ANSWER AND AFFIRMATIVE DEFENSES

NOW COMES Defendant, JAMES PAUL ("Paul"), by and through his attorneys, Richard H. Fimoff and Robert J. Trizna and the law firm of Robbins, Salomon & Patt, Ltd., and for his Answer and Affirmative Defenses to the Plaintiff's Amended Complaint, states as follows:

Summary of the Suit

1. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 and therefore denies such allegations.

2. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 and therefore denies such allegations.

Jurisdiction and Venue

3. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 and therefore denies such allegations.

4. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 and therefore denies such allegations.

Parties

5. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 and therefore denies such allegations.

6. Paul admits the allegations in subparagraphs 6.2, 6.3 and 6.11. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the remaining subparagraphs of Paragraph 6 and therefore denies such allegations.

Facts

A. Background

7. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7 and therefore denies such allegations.

8. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8 and therefore denies such allegations.

9. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 and therefore denies such allegations.

B. Numerous Judgments Are Entered against Gouletas

10. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 and therefore denies such allegations.

11. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 and therefore denies such allegations.

12. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12 and therefore denies such allegations.

13. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13 and therefore denies such allegations.

14. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 and therefore denies such allegations.

15. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15 and therefore denies such allegations.

C. Citation Liens Are Entered against Gouletas Prohibiting Gouletas from Transferring His Assets

16. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16 and therefore denies such allegations.

17. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17 and therefore denies such allegations.

18. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18 and therefore denies such allegations.

D. In Violation of the Citation Lien, Gouletas Obtained and Cashed Numerous Cashier's Checks Issued to Himself

19. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19 and therefore denies such allegations.

E. The Touris Checking Account Scheme

20. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20 and therefore denies such allegations.

21. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21 and therefore denies such allegations.

22. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22 and therefore denies such allegations.

23. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23 and therefore denies such allegations.

24. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24 and therefore denies such allegations.

25. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25 and therefore denies such allegations.

26. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26 and therefore denies such allegations.

27. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 27 and therefore denies such allegations.

28. Paul admits that Gouletas filed for bankruptcy in 2016. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28 and therefore denies such allegations.

29. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29 and therefore denies such allegations.

F. The Garvey Court Scheme

30. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30 and therefore denies such allegations.

31. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 31 and therefore denies such allegations.

32. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 32 and therefore denies such allegations.

33. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 33 and therefore denies such allegations.

G. The Matschulat-CIB Stock Scheme

34. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34 and therefore denies such allegations.

35. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 35 and therefore denies such allegations.

36. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 36 and therefore denies such allegations.

H. The HBI-Parking Lot Scheme

37. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37 and therefore denies such allegations.

38. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38 and therefore denies such

39. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39 and therefore denies such allegations.

40. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40 and therefore denies such allegations.

41. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41 and therefore denies such allegations.

42. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42 and therefore denies such allegations.

43. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43 and therefore denies such allegations.

44. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44 and therefore denies such allegations.

45. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45 and therefore denies such allegations.

46. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 46 and therefore denies such allegations.

I. Gouletas Engaged in Additional Money Laundering Schemes

47. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47 and therefore denies such allegations.

J. The Contempt Proceedings against Gouletas

48. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48 and therefore denies such allegations.

49. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49 and therefore denies such allegations.

50. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50 and therefore denies such allegations.

K. The Bankruptcy Trustee Assigns the Litigation Claims and Alter-Ego Claims to DJV

51. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 51 and therefore denies such allegations.

52. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52 and therefore denies such allegations.

53. Paul repeats his answers to all preceding and succeeding.

Count One
(Avoidance of Fraudulent Transfers
Pursuant to 740 ILCS 160/5(a)(1))

54. Paul admits that 740 ILCS 160/5 reads, in part, as quoted by Plaintiff in Paragraph 54.

55. Paul admits that he received \$110,000.00 from Gouletas, someone on Gouletas' behalf or one of the entities owned and controlled by Gouletas on or about January 21, 2015. Paul denies the remaining allegations contained in Paragraph 55 and therefore denies such allegations.

56. Paul denies that the \$110,000.00 he received was paid by Gouletas, someone on Gouletas' behalf or one of the entities owned and controlled by Gouletas with actual intent to delay or defraud Gouletas' creditors. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 56 and therefore denies such allegations.

57. Paul denies the allegations in Paragraph 57.

58. Paul denies the allegations in Paragraph 58.

59. Paul denies that he is liable to the Plaintiff. Paul admits he received \$110,000 on or about January 21, 2015. Paul states that he is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 59 and therefore denies such allegations.

Count Two
(Avoidance of Fraudulent Transfers Pursuant to
740 ILCS 160/6(a) – Garvey Court Transfers)

The allegations in this Count Two are not directed toward Paul, so Paul makes no answer to the allegations in Count Two.

Count Three
**(Avoidance of Fraudulent Transfers Pursuant
to 740 ILCS 160/6(a) – Cash Transfers)**

The allegations in this Count Three are not directed toward Paul, so Paul makes no answer to the allegations in Count Three.

Count Four
(Civil Conspiracy to Commit Fraud)

The allegations in this Count Four are not directed toward Paul, so Paul makes no answer to the allegations in this Count Four.

Count Five
(Aiding and Abetting Fraud)

The allegations in this Count Five are not directed toward Paul, so Paul makes no answer to the allegations in this Count Five.

Count Six
**(Tortious Interference with Expectancy of
Collection upon Judgments against Gouletas)**

The allegations in this Count Six are not directed toward Paul, so Paul makes no answer to the allegations in this Count Six.

Count Seven
**(Reimbursement of Funds Owed to Gouletas Prior
to the Time That He Filed for Bankruptcy)**

The allegations in this Count Seven are not directed toward Paul, so Paul makes no answer to the allegations in this Count Seven.

AFFIRMATIVE DEFENSE

Paul received \$110,000 from Gouletas, someone on Gouletas' behalf or one of the entities owned and controlled by Gouletas on or about January 21, 2015. The funds were received by Paul in good faith and in satisfaction of pre-existing obligations due Paul, thereby providing

reasonably equivalent value for all amounts received. At the time of the transfer Paul was without knowledge of Gouletas' financial condition, any improper activities by Gouletas or any facts which would give rise to a suspicion of improper activities.

PRAYER

WHEREFORE, James Paul respectfully requests:

- (1) that the Court enter judgment in his favor on all claims directed at James Paul; and,
- (2) that the Court grant James Paul his court costs and such other and further relief as to which he may be entitled.

Dated: March 27, 2018

Respectfully Submitted,

JAMES PAUL

By: /s/Richard H. Fimoff
One of his Attorneys

Richard H. Fimoff (804886)
Robert J. Trizna (3123760)
ROBBINS, SALOMON & PATT, LTD.
180 N. LaSalle St., Suite 3300
Chicago, IL 60601
(312) 782-9000
rfimoff@rsplaw.com
rtrizna@rsplaw.com

CERTIFICATE OF SERVICE

Richard H. Fimoff an attorney, certifies that on the 27th day of March, 2018, he caused the foregoing **James Paul's Answer and Affirmative Defenses** to be filed electronically with the Court. Notice of this filing will be sent by operation of the Court's electronic filing system to all registered ECF users in this case.

/s/Richard H. Fimoff

Richard H. Fimoff (804886)
Robert J. Trizna (3123760)
ROBBINS, SALOMON & PATT, LTD.
180 N. LaSalle St., Suite 3300
Chicago, IL 60601
(312) 782-9000
rfimoff@rsplaw.com
rtrizna@rsplaw.com